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**JUN 18 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Redd and Baum : DECISION REFUSING STATUS  
Application No. 10/627,393 : UNDER 37 CFR 1.47(a)  
Filed: 25 July, 2003 :  
Atty Docket No. SF005C :

This is in response to the twice renewed petition filed by  
facsimile under 37 CFR 1.47(a) on 19 April, 2004.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of  
this decision to reply, correcting the below-noted deficiencies.  
Any reply should be entitled "Request for Reconsideration of  
Petition Under 37 CFR 1.47(a)," and should only address the  
deficiencies noted below, except that the reply may include an  
oath or declaration executed by the non-signing inventor.

**FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**

Extensions of time may be obtained in accordance with 37 CFR  
1.136(a).

The above-identified application was filed on 25 July, 2003,  
without an executed oath or declaration.

Accordingly, on 29 October, 2003, a Notice to File Missing Parts  
of Nonprovisional Application was mailed, requiring, *inter alia*,  
an executed oath or declaration and a surcharge for its late  
filing. In response, on 17 November, 2003, petitioners filed a  
declaration naming Jarrett L. Redd and Daniel R. Baum as joint  
inventors, signed by joint inventor Redd, and the late-filing  
surcharge.

Accordingly, on 29 December, 2003, Initial Patent Examination  
Division mailed an additional Notice to Filing Missing Parts  
requiring the signature of joint inventor Baum on the  
declaration, and requiring a new oath or declaration containing  
the residence and mailing address of each inventor. On 14  
January, 2004, a petition under 37 CFR 1.47(a) was filed. On 8  
March, 2004, the petition was dismissed.

The petition filed on 10 March, 2004, was dismissed on 2 April, 2004. In response, the present renewed petition was filed on 19 March, 2004.

Petitioners state that joint inventor Baum refuses to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2).

In regards to item (2), petitioners have still not presented an **oath or declaration** that contains the residence and mailing address of non-signing inventor Baum. Petitioners were advised in the decision mailed on 2 April, 2004, that a new oath or declaration identifying the mailing address and residence of the non-signing inventor is required. The oath or declaration must identify the mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor.<sup>1</sup> Petitioners **must** submit a new oath or declaration in compliance with 37 CFR 1.63 and 1.67, identifying the residence and mailing address of both the signing and the non-signing inventors, signed by all of the signing inventors on behalf of themselves and the non-signing inventor.

It is noted that petitioners submitted the residence and mailing addresses of the non-signing inventor in the reply. However, the residence and mailing address of all inventors **must** be stated in the **oath or declaration**.

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<sup>1</sup>37 CFR 1.63(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (703) 872-9306  
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By hand:           U.S. Patent and Trademark Office  
                  220 20th Street S.  
                  Customer Window, Mail Stop Petition  
                  Crystal Plaza 2, Lobby, Room 1B03  
                  Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
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Office of Petitions